

Date

Megan Marino, MD
826 Mandeville Street
New Orleans, Louisiana 70119

Re: Ethics Board Docket No. 2020-914

Dear Dr. Marino:

The Louisiana Board of Ethics, at its February 5, 2021 meeting, considered your request for an advisory opinion as to whether your potential service on the ImageTrend advisory board would be a violation of the Louisiana Code of Governmental Ethics.

FACTS PROVIDED

You are currently an emergency medicine physician. You also are employed on a part-time basis by the City of New Orleans as Deputy Medical Director of New Orleans Emergency Medical Services (“EMS”).

ImageTrend, Inc. (“ImageTrend”) is a medical services provider, and is a vendor of EMS.

ImageTrend has asked you to serve on its Board of Advisors. The position is unpaid, but ImageTrend would make a donation to a charity of your choosing for each meeting you attend, and they propose to reimburse you for travel expenses related to meetings.

LAWS

La. R.S. 42:1111C(2)(d) provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are: (d) Neither performed for nor compensated by any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant’s agency.

La. R.S. 42:1112B(3) states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

ANALYSIS

If your service on the ImageTrend board is uncompensated, your service on such board while employed by EMS would not be a violation of La. R.S. 1111C(2)(d). Provided you do not receive a tax credit for the donations, the donations do not represent a thing of economic value received by you, and the donations would be permitted. However, as the travel reimbursement would be a thing of economic value received by you, such travel expenses would not be permitted. Further, any participation by you in a transaction between EMS and ImageTrend would be prohibited while you serve on the advisory board.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would permit you to serve as a member of the ImageTrend advisory board while simultaneously serving as the Deputy Director of EMS and to allow ImageTrend to make donations to charities of your choice, provided that you receive no compensation or reimbursement for your service to ImageTrend, including any tax credit for donations made by ImageTrend. You would also be prohibited from participating in any transaction by EMS involving ImageTrend while serving on the advisory board.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Charles E. Reeves, Jr.
For the Board

No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.

DISCLAIMER

This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.